

MAKING APPROPRIATIONS FOR THE DEPARTMENT OF  
DEFENSE FOR THE FISCAL YEAR ENDING SEPTEMBER  
30, 2006, AND FOR OTHER PURPOSES

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DECEMBER 18, 2005.—Ordered to be printed

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Mr. YOUNG of Florida, from the committee of conference,  
submitted the following

CONFERENCE REPORT

[To accompany H.R. 2863]

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2863) “making appropriations for the Department of Defense for the fiscal year ending September 30, 2006, and for other purposes”, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert:

This is an Extract of Chapter 3  
which applies to Corps Civil  
Works Appropriations

CHAPTER 3  
DEPARTMENT OF DEFENSE—CIVIL  
DEPARTMENT OF THE ARMY  
CORPS OF ENGINEERS—CIVIL  
INVESTIGATIONS

*For an additional amount for “Investigations” to expedite studies of flood and storm damage reduction related to the consequences of hurricanes in the Gulf of Mexico and Atlantic Ocean in 2005, \$37,300,000, to remain available until expended: Provided, That using \$10,000,000 of the funds provided, the Secretary shall conduct an analysis and design for comprehensive improvements or modifications to existing improvements in the coastal area of Mississippi in the interest of hurricane and storm damage reduction, prevention of saltwater intrusion, preservation of fish and wildlife, prevention of erosion, and other related water resource purposes at full Federal expense: Provided further, That the Secretary shall recommend a cost-effective project, but shall not perform an incremental benefit-cost analysis to identify the recommended project, and shall not make project recommendations based upon maximizing net national economic development benefits: Provided further, That interim recommendations for near term improvements shall be provided within 6 months of enactment of this Act with final recommendations within 24 months of enactment: Provided further, That none of the \$12,000,000 provided herein for the Louisiana Hurricane Protection Study shall be available for expenditure until the State of Louisiana establishes a single state or quasi-state entity to act as local sponsor for construction, operation and maintenance of all of the hurricane, storm damage reduction and flood control projects in the greater New Orleans and southeast Louisiana area: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.*

CONSTRUCTION

*For additional amounts for “Construction” to rehabilitate and repair Corps projects related to the consequences of hurricanes in the Gulf of Mexico and Atlantic Ocean in 2005, \$101,417,000, to remain available until expended: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.*

FLOOD CONTROL, MISSISSIPPI RIVER AND TRIBUTARIES, ARKANSAS, ILLINOIS, KENTUCKY, LOUISIANA, MISSISSIPPI, MISSOURI, AND TENNESSEE

*For an additional amount for “Flood Control, Mississippi River and Tributaries, Arkansas, Illinois, Kentucky, Louisiana, Mississippi, Missouri, and Tennessee” to cover the additional costs of mat laying and other repairs to the Mississippi River channel and associated levee repairs related to the consequences of hurricanes in*

*the Gulf of Mexico in 2005, \$153,750,000, to remain available until expended: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.*

#### OPERATION AND MAINTENANCE

*For an additional amount for "Operation and Maintenance" to dredge navigation channels and repair other Corps projects related to the consequences of hurricanes in the Gulf of Mexico and Atlantic Ocean in 2005, \$327,517,000, to remain available until expended: Provided, That \$75,000,000 of this amount shall be used for authorized operation and maintenance activities along the Mississippi River-Gulf Outlet channel: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.*

#### FLOOD CONTROL AND COASTAL EMERGENCIES

*For an additional amount for "Flood Control and Coastal Emergencies", as authorized by section 5 of the Flood Control Act of August 18, 1941, as amended (33 U.S.C. 701n), for emergency response to and recovery from coastal storm damages and flooding related to the consequences of hurricanes in the Gulf of Mexico and Atlantic Ocean in 2005, \$2,277,965,000, to remain available until expended: Provided, That in using the funds appropriated for construction related to Hurricane Katrina in the areas covered by the disaster declaration made by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, Public Law 93-288, 88 Stat. 143, as amended (42 U.S.C. 5121 et seq.), the Secretary of the Army, acting through the Chief of Engineers, is directed to restore the flood damage reduction and hurricane and storm damage reduction projects, and related works, to provide the level of protection for which they were designed, at full Federal expense: Provided further, That \$75,000,000 of this amount shall be used to accelerate completion of unconstructed portions of authorized projects in the State of Mississippi along the Mississippi Gulf Coast at full Federal expense: Provided further, That \$544,460,000 of this amount shall be used to accelerate completion of unconstructed portions of authorized hurricane, storm damage reduction and flood control projects in the greater New Orleans and south Louisiana area at full Federal expense: Provided further, That \$70,000,000 of this amount shall be available to prepare for flood, hurricane and other natural disasters and support emergency operations, repair and other activities in response to flood and hurricane emergencies as authorized by law: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.*

#### GENERAL EXPENSES

*For an additional amount for "General Expenses" for increased efforts by the Mississippi Valley Division to oversee emergency response and recovery activities related to the consequences of hurri-*

*canes in the Gulf of Mexico in 2005, \$1,600,000, to remain available until expended: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.*

#### CHAPTER 4

### DEPARTMENT OF HOMELAND SECURITY

#### CUSTOMS AND BORDER PROTECTION

##### SALARIES AND EXPENSES

*For an additional amount for “Salaries and Expenses” to repair and replace critical equipment and property damaged by hurricanes and other natural disasters, \$24,100,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.*

##### CONSTRUCTION

*For an additional amount for “Construction” to rebuild and repair structures damaged by hurricanes and other natural disasters, \$10,400,000, to remain available until expended: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.*

#### IMMIGRATION AND CUSTOMS ENFORCEMENT

##### SALARIES AND EXPENSES

*For an additional amount for “Salaries and Expenses” to repair and replace critical equipment and property damaged by hurricanes and other natural disasters, \$13,000,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.*

#### UNITED STATES COAST GUARD

##### OPERATING EXPENSES

*For an additional amount for “Operating Expenses” for necessary expenses related to the consequences of hurricanes and other natural disasters, \$132,000,000, to remain available until expended, of which up to \$400,000 may be transferred to “Environmental Compliance and Restoration” to be used for environmental cleanup and restoration of Coast Guard facilities; and of which up to \$525,000 may be transferred to “Research, Development, Test, and Evaluation” to be used for salvage and repair of research and development equipment and facilities: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.*

CHAPTER 3  
DEPARTMENT OF DEFENSE—CIVIL  
DEPARTMENT OF THE ARMY  
CORPS OF ENGINEERS—CIVIL

The conference agreement provides emergency funding to address water resource projects damaged by Hurricanes Katrina, Rita, Ophelia and Wilma. The funding provided in this chapter is based on Corps of Engineers' estimates of the requirements of all areas of the Nation impacted by these hurricanes. The conferees expect the funds provided herein shall be expended substantially in accordance with those estimates.

INVESTIGATIONS

Funds totaling \$37,300,000 are provided to expedite ongoing studies in the areas recently affected by recent hurricanes, as shown below:

Louisiana Coastal Area Ecosystem Restoration, LA .....	\$11,000,000
Hurricane Protection, LA .....	12,000,000
Hurricane Protection, MS .....	10,000,000
Plaquemines Parish, Urban Flood Control, LA .....	1,200,000
St. Bernard Parish Urban Flood Control, LA .....	1,200,000
St. Charles Parish Urban Flood Control, LA .....	1,100,000
Southwest Coastal Louisiana, LA .....	500,000
Bouge Banks, NC .....	100,000
Hatteras and Ocracoke Islands, NC .....	100,000
Surf City and North Topsail Beach, NC .....	100,000

The conference agreement includes \$11,000,000 for the Louisiana Coastal Area Ecosystem study. These funds, together with \$10,000,000 provided in the Energy and Water Development Appropriations Act, 2006, provide the amounts necessary to continue the Louisiana Coastal Plan this fiscal year. Within these amounts, funds are provided for hurricane or storm damage assessment, including coastal data collection.

The conference agreement includes a provision that withholds funding provided for the Louisiana Hurricane Protection Study in this Act until the State of Louisiana establishes a single state or quasi-state entity to act as the local sponsor for construction, operation and maintenance for all hurricane, storm damage reduction and flood control projects in the greater New Orleans and southeast Louisiana area. The conferees expect that no funds shall be available for the final report after the completion of the preliminary technical report until a functioning single entity is established by the State to meet local responsibilities for Federal projects.

CONSTRUCTION

Funds totaling \$101,417,000 are provided to repair flood and storm damage reduction, commercial navigation and other projects damaged by Hurricanes Katrina, Rita, Ophelia and Wilma.

Citing a lack of authorization, the conferees did not provide the request of \$250,000,000 for coastal mitigation; however, a total of \$96,000,000 is available in fiscal year 2006 for activities related to improving the Gulf Coast coastal wetlands to reduce the risk of

storm damage to the greater New Orleans metropolitan area. In this Act, \$11,000,000 is provided to further the Louisiana Coastal study in the Investigations account, together with \$10,000,000 provided in the Energy and Water Development Appropriations Act, 2006. In addition, \$75,000,000 is provided in this Act in the Operations and Maintenance account for authorized activities to preserve and maintain existing wetlands, enhance estuarine habitat and provide erosion protection for hurricane protection projects. The conferees encourage the Administration to submit a legislative proposal to the appropriate authorizing committees for full and further consideration.

FLOOD CONTROL, MISSISSIPPI RIVER AND TRIBUTARIES, ARKANSAS, ILLINOIS, KENTUCKY, LOUISIANA, MISSISSIPPI, MISSOURI AND TENNESSEE

Funds totaling \$153,750,000 are provided to repair levees; remove hazards to navigation; cover the increased cost of mat laying operations due to storm impacts; repair damaged training works, including dikes; and repair damaged levees to provide protection from riverine flooding resulting from Hurricanes Katrina and Rita.

OPERATION AND MAINTENANCE

Funds totaling \$327,517,000 are provided to restore navigation channels and harbors to pre-storm conditions and to repair flood damage reduction and other projects in states affected by Hurricanes Katrina, Rita, Ophelia and Wilma. Of this amount, \$75,000,000 is provided for authorized operation and maintenance activities to enhance estuarine habitats through monitoring and control of marine and river flow and reef building initiatives and providing foreshore bank protection in the form of revetment and rock placement to protect endangered wetlands and provide erosion protection for hurricane protection projects along the Mississippi River-Gulf Outlet Channel. The expenditure of funds shall be limited to those activities necessary for the protection of existing wetlands, navigation, flood and storm damage reduction projects along the Mississippi River-Gulf Outlet Channel and funds shall not be expended on any project that would otherwise preclude or foreclose any final disposition of the navigation channel; funds are not available to conduct any dredging of the Mississippi River-Gulf Outlet Channel.

FLOOD CONTROL AND COASTAL EMERGENCIES

Funds totaling \$2,277,965,000 are provided to continue repairs to flood and storm damage reduction projects in states affected by Hurricanes Katrina, Rita, Ophelia and Wilma. Funds are provided to fund at full Federal expense repairs to non-federal levees and pumps and to construct levees and floodwalls to original design levels rather than pre-storm conditions. Within the funds provided, \$75,000,000 shall be available to accelerate completion of authorized projects in the State of Mississippi along the Mississippi Gulf Coast.

Further, this amount includes \$544,460,000 to accelerate the completion of unconstructed portions of authorized hurricane,

storm damage reduction and flood control projects in the greater New Orleans and south Louisiana area, as follows:

New Orleans to Venice, LA .....	\$32,487,000
West Bank and Vicinity, LA .....	147,614,000
Lake Pontchartrain and Vicinity, LA .....	120,554,000
Southeast Louisiana, LA .....	224,755,000
Larose to Golden Meadow, LA .....	4,026,000
Grand Isle, LA .....	15,024,000

The conference agreement includes \$70,000,000 to prepare for flood, hurricane and other natural disasters and support emergency operations, repairs, and other activities in response to flood and hurricane emergencies, as authorized by law. Funding is provided to cover annual recurring costs of the program as well as costs related to recent natural disasters. The Army Corps of Engineers is directed to include recurring annual funding requirements for this program in its fiscal year 2007 budget request and to address event-related costs in the appropriate emergency supplemental requests.

The conference agreement includes approximately \$468,000,000 to reimburse projects from which funds were transferred to meet emergency requirements.

#### GENERAL EXPENSES

Funds totaling \$1,600,000 are provided for additional oversight and management costs associated with Hurricanes Katrina and Rita.

### CHAPTER 4

#### DEPARTMENT OF HOMELAND SECURITY

##### OFFICE OF THE SECRETARY AND EXECUTIVE MANAGEMENT

##### OFFICE OF POLICY

The conferees agree to clarify Public Law 109–90 does not include an increase of \$1,512,000 and 3 full-time equivalent positions for the Embassy Baghdad Initiative requested in the President's Fiscal Year 2006 Budget. Public Law 109–90 does include the transfer of \$5,176,000 to the Office of Policy for the Border and Transportation Security Policy Office and Operations staff. Any fiscal year 2005 funding for a Department of Homeland Security (DHS) attaché in Baghdad included in this amount is continued in fiscal year 2006 at the fiscal year 2005 level. The conferees prohibit the use of any funds available to the Department for increasing resources for the Embassy Baghdad Initiative beyond the fiscal year 2005 level without approval of a reprogramming notification submitted pursuant to Section 503 of Public Law 109–90. The conferees provide this clarification to ensure the Department's actions are consistent with the intent of the Committees as indicated in the Statement of Managers accompanying the fiscal year 2006 appropriations conference report. The Department is directed to submit within 15 days of enactment of this Act to the House and Senate Committees on Appropriations a fiscal year 2006 program, project, and activity breakdown of the funding and staffing level of